

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	3:20-CR-87
	:	
v.	:	(Judge Mehalchick)
	:	(Judge Mariani)
CORBIN KAUFFMAN	:	(Electronically Filed)

**MOTION FOR MODIFICATION OF
PRE-TRIAL RELEASE CONDITION (7)(s)**

AND NOW comes the Defendant, Corbin Kauffman, by his attorney, Christopher Opiel, Esq., and files the following Motion for Modification of Pre-Trial Release Condition (7)(s). In support thereof, it is averred as follows:

1. On April 1, 2019, the Defendant was arrested and charged with transmission in interstate commerce of any threat to injure the person of another in violation of 18 U.S.C. § 875(c).
2. On April 4, 2019, the Defendant appeared before the Court for a Detention Hearing, and the Court released the Defendant subject to the Order Setting Conditions of Release. (Doc. 10).
3. On April 4, 2019, the Order Setting Conditions of Release stated in paragraph (7)(s): “Deft not to use internet. Not to use phone w/ internet. Not to get phone with internet. Not use laptop in home.” (Doc. 10).

4. On October 25, 2019, an Order was entered striking the original language in paragraph (7)(s) of the Order Setting Conditions of Release and modifying the language to the following:

Defendant may obtain and use a cell phone; however, Defendant is strictly forbidden from accessing, viewing, or using any social media applications or websites. U.S. Probation may view Defendants cell phone records at any time. Defendant is prohibited from utilizing any other device with internet capabilities other than his personal cell phone.

(Doc. 28).

5. On March 27, 2020, an Information was filed charging the Defendant with one (1) count of the transmission in interstate commerce of any threat to injure the person of another in violation of 18 U.S.C. § 875(c). (Doc. 39).

6. Also, on March 27, 2020, an executed Plea Agreement for a plea to the one (1) count Information was filed to the docket. (Doc. 41).

7. On April 24, 2020, an Order was entered allowing the Defendant to change his address from Carbon County, Pennsylvania and reside with his parents in Etters, York County, Pennsylvania while on pre-trial release. (Doc. 44).

8. Immediately following the April 24, 2020 Order, the Defendant's pre-trial supervision was transferred to Brandon Dubbs, USPO, in the Harrisburg office.

9. Since moving to York County, Pennsylvania, the Defendant has started his own business installing vehicle windshields, windows, and lights called “Kauffman’s Auto Glass” and he has been working very hard at making his business as successful as possible.

10. In addition, the Defendant is a recovering drug addict and he works extremely hard at continuing his sobriety every day.

11. The pre-trial release condition that does not allow the Defendant to use the social media and the internet creates a heavy burden on the Defendant’s business and personal life.

12. Under the current conditions, the Defendant is personally unable to advertise his business or communicate with potential customers over social media and the internet.

13. Additionally, since the COVID-19 pandemic has started, many Narcotics Anonymous meetings and other drug recovery meetings take place over social media and the internet.

14. The Defendant is respectfully requesting that the modified pre-trial release condition (7)(s) be stricken in its entirety.

15. In the alternative, the Defendant is respectfully requesting that the following exception be added to the language of the modified pre-trial release condition (7)(s):

Defendant may use social media and the internet for the sole purpose of promoting his business and connecting with customers/potential customers, and to connect with and participate in on-line Narcotics Anonymous and/or drug treatment/recovery groups.

16. Undersigned Counsel contacted AUSA Sean A. Camoni regarding this Motion and AUSA Camoni indicated that the government does not take any position on this motion and that he would defer to the judgment of the United States Probation Office.

17. Undersigned Counsel contacted Brandon Dubbs, USPO, and Mr. Dubbs stated that his office does take a position on these matters unless specifically asked by the Judge.

WHEREFORE, the Defendant, Corbin Kauffman, respectfully requests that this Honorable Court enter an order modifying the terms of paragraph (7)(s) of the Order Setting Conditions of Release in accordance with this motion.

Respectfully submitted,

Date: February 9, 2021

/s/ Christopher Opiel
Christopher Opiel, Esq.
Attorney ID# PA318776
Opiel Law
88 North Franklin Street
Wilkes-Barre, Pennsylvania 18701
(570)762-9992 (Office)
(570) 417-1436 (Cell)
(570) 825-6675 (Fax)
Email: cropiel@opiellaw.com

CERTIFICATE OF SERVICE

I, Christopher Opiel, Esq., do hereby certify that this document, the foregoing **Motion for Modification of Pre-Trial Release Condition (7)(s)**, filed electronically through the ECF system will be sent to the registered Participants as identified on the Notice of Electronic Filing, including the following:

Sean A. Camoni, Esquire
Assistant United States Attorney

Date: February 9, 2021

/s/ Christopher Opiel

Christopher Opiel, Esq.